

From: "Al Vargas" <AVargas@cdfa.ca.gov>
To: <WestcoD@rb5s.swrcb.ca.gov>
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Subject: Engineer Certification

In a previous telephone conversation, you asked me to point out anything in the draft permit that could be construed as broad certification by a registered professional that the facility will not pollute. Another words, the intention was to limit the certification to certain design and performance standards.

I read the last paragraph on page 12 of the NPDES/WDR to be broad in its requirement of registered professional. The passage in question reads:

"The registered professional preparing the WMP must certify that each componenet of the facility design, construction, operation, and maintenance, or the proposed modification to any facility componenet, will protect surface water quality as required in General Specifications B.1 through B.4 and B.6 through B.18."

Registered professional can certify that the facility is designed and constructed to contain a 25-yr, 24-hr storm. He/she may also certify that the adequacy of the containment based on certain assumptions. However, items B.7, 9, 15, 16, and 17 relate to managment and this is beyond what a professinal can certify. Additionally, a registered professional cannot gurantee that there will not be surface water releases even if the facility is managed properly. For example, there may an unusually wet year in which the containment capacity may be exceeded even though the facility is designed, constructed and operated to contain the 25-yr, 24-hr storm. In designing and/or evaluating containment, what is the assumed cummulative rainfall to be contained and for how much time should the faciliti contain (e.g. 120 days)?

Al Vargas
California Department of Food & Agriculture
1220 N Street, Room 448
Sacramento, CA 95814
Tel (916) 653-0873
Fax (916) 657-5017
e-mail avargas@cdfa.ca.gov

CC: <LowryP@rb5s.swrcb.ca.gov>